

TOWN OF TUPPER LAKE REGULAR TOWN BOARD MEETING

September 11, 2014

Roll Call: Supervisor Patricia S. Littlefield
 Councilman John Quinn
 Councilman Michael Dechene
 Councilwoman Kathleen Lefebvre
 Councilman Rick Skiff

Recording Secretary: Laurie J Fuller – Town Clerk

Press: Dan McClelland – Tupper Lake Free Press
 Shaun Kittle – Adirondack Daily Enterprise

Also: Paul O’Leary – Assessor/Code Officer
 Mike Fritts – Youth Activity Director
 William Dechene – Highway Superintendent

Guest: Pete Edwards - TL Snowmobile club
 Gary Beaudette – TL Snowmobile Club
 Eric Proulx – Village Police Chief
 Tom Lawson – Adk Club & Resort
 Bob Sweeney – Adk Club & Resort
 Rudolph Schneider – Resident
 Ronald Lascala – Resident

Supervisor Littlefield called regular town board meeting to order at 7:02 p.m. opening with the Pledge of Allegiance and a moment of silence in memory of the 911 13 years ago.

1. Chief Eric Proulx
 Police contract agreement:

Village Police Chief Eric Proulx attended the town board meeting to discuss details of a relatively new agreement between the town and village governments that permits the village police department to legally respond to emergencies in the township. Last town board meeting Councilman Quinn question the exact role in the village police patrolling in the township. Chief Proulx assured town board routine patrols in the town are not happening 98% of their incidents are inside the village limits. One of the phrases in the new contract stipulates that incidental patrols by village police may occur in the town. Chief Proulx stated the new “delivery of service” guidelines for his officers is still in draft form, when completed town board members will get a copy.

2. Attorney Bob Sweeney
 Adk Club & Resort extend PDD:

Attorney Sweeney stated to town board members in 2006 the town board created the development tool to facilitate the coming resort through a single zoning category, as many communities do when confronting large development projects. The PDD (Planned Development District) was designed to expire in 48 months if the developer was not able to secure all the necessary permits. The PDD did expire in 2010 and the developers were granted an extension of four years. Mr. Sweeney presented a resolution for the town board to adopt extending the 2014 end date for PDD because of two separate lawsuits by ACR opponents.

TOWN OF TUPPER LAKE, NY TOWN BOARD

SEPTEMBER 11, 2014

RESOLUTION # 29 – 2014

WHEREAS, the Town of Tupper Lake, NY Town Board (“Town Board”) enacted Local Law No.2 of 2006 which amended the Town’s Zoning Map to designate the site of the Adirondack Club & Resort as a Planned Development District (“PDD”); and

WHEREAS, Paragraph 2 of Local Law No. 2 of 2006 provided that:

In the event that the necessary permits for the project on the Adirondack Club Property by the Adirondack Park Agency and the Town of Tupper Lake have not been issued within forty-eight (48) months of the date of This Local Law and the conclusion of all appeals and substantial Construction on the project has been commenced within said forty-Right (48) month period, the Zoning Map amendment shall be deemed rescinded and the Adirondack Club Property shall revert to their original zoning classifications.

WHEREAS, the Town Board thereafter enacted Local Law No. 1 of 2010 which amended Local Law No. 2 of 2006 and provided that:

In the event that the necessary permits for the project on the Adirondack Club Property have not been issued by the Adirondack Park Agency and The Town of Tupper Lake within ninety-six (96) months of the date of Local Law # 2 of 2006 (September 11, 2006) and construction has not been commenced on the Adirondack Club Property within ninety-six (96) months of said date of Local Law #2 of 2006, the Zoning Map amendment shall be deemed rescinded and the Adirondack Club Property shall revert to their original zoning classifications. In the event of any challenge (legal, administrative or otherwise) has been commenced with regard to any aspect of the Adirondack Club project, the said ninety-six (96) month period will be extended for a period equal to the time between the filing of the first of such challenges and conclusion of all such challenges and all appeals therefrom.

WHEREAS, the enactment of Local Law No. 2 of 2006 was challenged in litigation Known as Association for the Protection of the Adirondack vs. Town Board of the Town of Tupper Lake, 64 A.D.3d 825 (3d Dept. 2009) in which the Town successfully defended the enactment of the PDD, and which litigation lasted thirty (30) months; and

WHEREAS, on January 31, 2012 the Adirondack Park Agency granted approval for the Adirondack Club & Resort Project ("APA Permit"); and

WHEREAS, the APA permit was challenged in litigation known as Protect the Adirondacks vs. Adirondack Park Agency, 990 N.Y.s.2d 643 (3d Dept. 2014) in which the APA Permit was successfully defended, and which litigation has lasted another thirty (30) months and continues to this date;

NOW THEREFORE, the Town Board hereby acknowledges and recognizes the Litigation delays imposed on the Adirondack Club & Resort Project as being within the extension Clause in Local Law No. 1 of 2010, and that as a result of the litigation, the expiration date Provided for in Local Law No. 1 of 2010 has been extended for a period of time not less than Sixty (60) months.

seal

TOWN OF TUPPER LAKE, NY

Laurie J Fuller – Town Clerk RMC

Date: September 11, 2014

Motion: Councilwoman Lefebvre

Seconded: Councilman Skiff

Action: Carried 5/0 vote Littlefield, Quinn, Dechene, Lefebvre, Skiff

3. TL Snowmobile Club

Presents check to town board:

Garry Beaudette and Pete Edwards from the Tupper Lake Snowmobile Club presented a check for \$771.75 to the town board from some of the proceeds raised by the club from its state reimbursed 2013 trail grooming work and major raffle last year. Money will be used to help pay for new groomer that was purchased last year.

4. Approve Abstract of Audited Vouchers:

Town of Tupper Lake
Abstract #9 – September 11, 2014

Vouchers # 2014-0551-583 & 2014-0611-0649

Fund		Prepaid/Debit	Unpaid	Total
General	200.01	\$10,501.92	\$13,803.92	\$24,305.84
General (B)	200.02	-	-	-
Highway	200.03	-	\$5,310.89	\$5,310.89
Highway Outside	200.04	\$168.99	\$37,210.58	\$37,379.57
Fire District	200.06	-	-	-
Sewer #5	200.10	\$66.48	\$4,587.96	\$4,654.44
Sewer #8-1	200.12	-	\$10.29	\$10.29
Sewer #8-2	200.13	\$8,440.54	\$18.00	\$8,458.54
Sewer #17	200.15	\$3,755.67	\$10.29	\$3,765.96
Sewer #17-1	200.16	-	\$180.57	\$180.57
Sewer #17-2	200.17	-	\$40.67	\$40.67
Sewer #23	200.19	-	\$310.38	\$310.38
Water #3	200.21	\$33.24	\$37.22	\$70.46
Water #8-2	200.26	\$4,802.68	-	\$4,802.68
Moody Lighting	200.31	-	\$464.80	-
Water #15	200.36	-	\$4.38	\$4.38
Total for Abstract		\$27,769.52	\$61,989.95	\$89,759.47

Motion to approve Abstract #9 of Audited Vouchers in the amount of \$89,759.47 was made by Councilman Dechene.

Seconded by Councilwoman Lefebvre
All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

5. Approve Budget Transfers:

September 2014 Budget Transfers

General	Account	Detail	Decrease	Increase
Appropriation	19904.01	Contingency	\$5,550.00	
Appropriation	73104.01	Youth CE	\$2,382.00	
Appropriation	16204.01	Building CE		\$4,000.00
	71804.01	Golf Course CE		\$1,550.00
	70204.01	Recreation CE		\$1,000.00
	70204.01.000.05	Day Camp		\$400.00
	70204.01.000.12	Garden		\$512.00
			\$7,932.00	\$7,932.00

Highway	Account	Detail	Decrease	Increase
Appropriation	36204.03	Safety CE	\$400.00	

	42304.03	Drug & Alcohol Screening		\$200.00
	50104.03	Supt. HWY CE		\$200.00
			\$400.00	\$400.00

Motion to approve budget transfers as submitted was made by Councilman Skiff

Seconded by Councilman Quinn
All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

6. Approve Monthly Reports:

Code Officer

Monthly Report
August 2014

9 Building Permits issued in August

1 Demolition Permits

2 Complaint filed

Completed 24 field inspections

August 2014 miles logged 127

Please contact me with any questions or concerns.

Respectfully submitted:

Paul O’Leary
Code Enforcement Officer
Town of Tupper Lake

Youth Activity Director

Recreation Report for 09-11-14

DANCE

I’m pretty excited to report that dance will be returning to Tupper Lake this October. I’ve been in talks with Terpsie Toon from the Lake Placid Center for the Arts and we’ll be teaming up to offer classes for children aged six to 12. I have a drafted contract that Mr. Gagnier is reviewing. The plan is to hold classes once a week at the Adult Center. I’ve already received a great deal of interest and anticipate classes filling to capacity quite quickly.

ZOMBIEFEST

This is shaping up to be quite an event. The entertainment has been secured and a request to close down Park St. has been submitted to the DOT. We are busy lining up volunteers and have secured a couple food vendors. Just to recap the event starts with a zombie march down Park St. Zombies will collect food for the food pantry during this march. In fact we are collecting food now. You may have noticed food bins placed around town. Afterward everyone is invited down

to the park where there will be live entertainment, zombie face painting, a zombie maze, a zombie target zone, food, zombie contests, (best moan, walk and look), and plenty of games. “FEED THE HUNGRY, NOT THE ZOMBIES”

GRANTS

I’ve been submitting several grants to help kickstart a tourism initiative. The funding sought would be used toward material costs. Details upon request as this is still in the planning stages and not something yet ready to share with the media.

Dog Control Officer

Town of Tupper Lake
Dog Control Report

For the Month of: August

Date: 8-31-14

Complaints Received	1
Complaints Answered	1
Dogs Captured	1
Dogs return to owner	0
Dogs turned over to DCO	1
Dogs transported to Humane Society	0
Dogs Adopted	0
Dogs Euthonized	1
Dogs treated by Vet	1
Dangerous Dog Complaints	0
Tickets issued	0

Mileage 39 DCO Shaheen R Shaheen

Report prepared by Shaheen R Shaheen DCO

Motion to approve Monthly reports as presented was made by Councilman Dechene

Seconded by Councilman Skiff
All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

7. Committee Reports:

Councilman Quinn reported the on **cross country ski program**, he has spoken with John Gillis he has some lumber to someday possibly build a storage building and warming hut. Correct drainage problem near proshop and fix doors in cart barn.
Goodman Trial dedication was a big success, great turnout.

Councilwoman Lefebvre reported the list of repairs at **Maddox Hall** has been done will get update on heat in food pantry and roof repair. Set up meeting with Caretaker Paul Besaw & Councilman Quinn to see what needs to be done next year at campground.

Supervisor Littlefield report Paul Besaw will be doing some maintenance where needed on all town owned building.

8. Update Sewer Oder
On Racquette River Drive:

Supervisor Littlefield stated still working on it, Mark Robillard & Paul O’Leary will be scheduling a smoke testing date for those residents on Racquette River Drive. Also have been flushing pump station, will do at lease twice a year.

9. Fire Department Contract

2014-15 Village of Tupper Lake
Fire Department Budget
04/30/2014

Budget Equalization Town-Wide as follows:

Fire Department Appropriations	\$ 149,626.00
Add -- Employee Benefits:	
FICA/SS etc (7.65% x \$45,200)	+3,500.00
H/Ins. (\$935x1x7) + (\$1,075x1x5) + Cost	
Share (3,400) Mechanic 1/2 of 1/3	+2,300.00
H/Ins. (\$502x1x7) + (\$578x1x5)	
Share (1,700) Fire Driver ¾	+6,078.00
Dental Ins.(\$74x1x12) Mechanic 1/2 of 1/3	+ 150.00
Dental Ins.(43x1x12) Fire Driver ¾	+ 385.00
NYS Retirement (20.3% x \$45,200)	+9,200.00
W/Compensation (\$557 each)	+27,850.00
Total Fire Dept. Budget	\$199,089.00
	=====
New Total Fire Budget 2013	\$199,089.00
Total Taxable Village of TL (July 2013 Assessment)	\$136,848,461
Total Taxable Town of Tupper Lake (For Both Village & Town)	\$458,301,774
Inside Village/Town Total (2012)	\$136,848,461/\$458,301,774= 29.8599%
Outside Village/Town Total	\$321,453,313/\$458,301,774= 70.1401%
Budget - Inside	\$199,089 x 29.8599%= \$ 59,447.78 Village’s Portion
- Outside	\$199,089 x 70.1401%= \$139,641.22 Town’s Portion
Fire Dept Budget/Town Total \$199,089/\$458,301,774 = .000434 = \$0.434 cents per \$1,000 both inside and outside, equalization.	
Fire Protection Charge FY14-15	\$139,641.22

DATE	4/30/14	VILLAGE OF TUPPER LAKE	PAGE	4
TIME	7:32PM	BUDGET ENTRY REPORT		
		04/30/2014		
ACCOUNT	ACCOUNT NAME	NEW		
NUMBER		BUDGET		
GEN FUND APPROPRIATIONS				
FIRE DEPARTMENT				
A 3410.100	PERSONAL SERVICE - REG	18,000.00		
A 3410.110	FIRE DEPT/RELIEF DRVRS	22,200.00		
A 3410.120	PERSONAL SERVICE - OT	5,000.00		
A 3410.130	PERSONAL SERVICE - HOL			
	TOTAL 3410.1	45,200.00		
A 3410.200	FIRE SAFETY SUPPLIES	750.00		
A 3410.201	FIRE SAFETY GEAR	10,150.00		
A 3410.210	FIRE-EQUIP-AIR TANKS	7,250.00		
A 3410.220	FIRE EQUIP-GLOVES/VESTS	3,326.00		
A 3410.230	FIRE EQUIP-TOOLS	900.00		
A 3410.240	FIRE EQUIP -BLDG REPAIR	2,000.00		
A 3410.250	FIRE EQUIP - HOSES	9,800.00		
A 3410.260	FIRE INVESTIGATION	600.00		
A 3410.270	COMM RADIO PURCH/UPDAT	3,150.00		
A 3410.271	RADIO/HOME ALERT REPRS	1,000.00		
	TOTAL 3410.2	38,926.00		
A 3410.400	FIRE - INSURANCE	9,000.00		
A 3410.410	FIRE - FUEL	9,000.00		
A 3410.420	FIRE - PHONES	1,600.00		
A 3410.430	FIRE - ELECTRIC	7,000.00		
A 3410.440	FIRE - TRUCK RPR/UPKEEP	15,000.00		
A 3410.450	FIRE - MISC/UPKEEP	15,000.00		
A 3410.451	FIRE - HYDRO STAT BOTTL			
A 3410.452	FIRE - TRAINING	3,600.00		
A 3410.460	FIRE - ENG FEES/GRANTS			
A 3410.470	FIRE- BOX RENT	900.00		
A 3410.480	FIRE - AIRPACK UPDATE	4,000.00		
A 3410.490	FIRE - CLOTHING ALLOW	400.00		
A 3410.491	FIRE - UNIFORMS			
	TOTAL 3410.4	65,500.00		
	TOTAL	149,626.00		
SAFETY INSPECTION				
A 3620.100	PERSONAL SERVICES - REG	19,450.00		
A 3620.400	CONTRACTUAL EXPENSES	5,000.00		
	TOTAL	24,450.00		
	TOTAL PUBLIC SAFETY	819,986.00		
HEALTH				
PUBLIC HEALTH				
A 4010.100	PERSONAL SERVICES - REG	15,845.00		
A 4010.400	CONTRACTUAL EXPENSES	200.00		
	TOTAL	16,045.00		
AMBULANCE SERVICE				
A 4540.400	CONTRACTUAL EXPENSES			
	TOTAL	.00		

The village clerk presented to the town board the 2014-15 Fire Department Budget \$139, 641.22 the towns portion to be figured in the towns 2015 budget.

Town board members agreed they would like to discuss with village further. Have questions on some line items.

10. Update on Setting Pole Dam:

It was TABLED back in June to revisit the possibility of putting the dam up for sale again. Councilwoman Lefebvre feels it should be discussed possibly have a referendum. Get residents input on selling or not.

Supervisor Littlefield address Mr. Schneider by stating she has put in a call into DEC on putting a culvert under Underwood Bridge but has not gotten a response back yet.

11. Bids for Firewood:

LEGAL NOTICE

The Town of Tupper Lake is seeking bids for 40 face cords of hardwood firewood, 18 inches long, delivered to the Highway Garage at 3 Pine Street.

Sealed bids can be mailed or dropped off at the Town Clerks office at 120 Demars Blvd. Tupper Lake, New York 12986.

Bids will be accepted until 12:00 p.m. on Friday, September 5, 2014

All bids must be accompanied by a non-collusive certificate.

The Town of Tupper Lake reserves the right to reject any or all bids.

BY ORDER OF THE HIGHWAY SUPERINTENDENT

William Dechene

September 5, 2014

Date

Bid opening for: 40 face cords of hardwood firewood 18 inches long

Name	Submitted Bid
<u>Roger Amell</u>	<u>\$65.00 cord cut, split & delivered to town garage. \$2,600.00 Total</u>
<u></u>	<u></u>
<u></u>	<u></u>

<u>Date of Opening</u>	September 5, 2014
<u>Time of Opening</u>	12:00 p.m.

Guest Present:

Witness: Laurie J Fuller – Town Clerk
Paul O’Leary - Assessor

Bid was awarded to Roger Amell

<u></u> Town Clerk	Town of Tupper Lake 120 Demars Blvd. Tupper Lake, NY 12986
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Motion to accept Roger Amell’ s bid of \$2,600.00 for 40 face cords of fire wood delivered to highway garage was made by Councilman Quinn.

Seconded by Councilman Dechene
All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

12. Ben Peets resigns from
Planning Board:

Ben Peets has resigned from the Village/Town Joint Planning Board effective August 18, 2014. Town Board members wished to thank him for all his years serving on the Joint Planning Board. Mr. Peets's position was a Village appointment.

Motion to accept Ben Peets's resignation was made by Councilman Dechene.

Seconded by Councilwoman Lefebvre

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

13. Authorize Supervisor & Bookkeeper
To attend Government Workshop:

Motion to authorize Supervisor Littlefield and Bookkeeper Samantha Burnett to attend Government Finance Institute Foundation Workshop in Plattsburgh on October 29, 2014 at a cost of \$99.00 dollars a person was made by Councilman Quinn.

Seconded by Councilwoman Lefebvre

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

14. Thank you to Highway Department:

Supervisor Littlefield read letter from the Tupper Lake Tinman Triathlon chairperson thanking Bill Dechene and his crew for their help again this year with the setup and take down for the Tinman Triathlon.

15. Public Comment

Ron LaScala spoke at length about the Village and Town working together on the **Emergency Service Building**.

Shaun Kittle from the Adirondack Daily Enterprise told town board members he has accepted another position and will no longer be the reporter.

16. Executive Session:

Motion to enter into executive session with town attorney to discuss legal issue at 8:40 p.m. was made by Councilwoman Lefebvre

Seconded by Councilman Quinn

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

Motion to enter out of executive session at 9:17 p.m. was made by Councilman Quinn

Seconded by Councilman Skiff

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

17. Littlewolf property dispute:

Motion to contact subject of litigation, failing successful litigation of meeting will proceed next with filing court papers for legal action against subject was made by Councilman Quinn.

Seconded by Councilman Skiff

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

18. Paul Besaw

Hire for maintenance:

Motion to hire Littlewolf Beach Caretaker Paul Besaw to do maintenance on town owned buildings upon the approval of civil service requirements was made by Councilman Quinn.

Seconded by Councilman Dechene

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

19. Adjourn:

Motion to adjourn at 9:30 p.m. was made by Councilman Skiff

Seconded by Councilman Dechene

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

Laurie J Fuller – Town Clerk RMC